

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2008-438-T - ORDER NO. 2009-101
FEBRUARY 25, 2009

| | | | |
|--------|---|---|----------------|
| IN RE: | Petition of the Office of Regulatory Staff to |) | ORDER REVOKING |
| | Revoke Certificates of Public Convenience |) | CERTIFICATES |
| | and Necessity of Certain Motor Carriers For |) | |
| | Failure to Maintain and File Evidence of |) | |
| | Insurance |) | |

This matter comes before the Public Service Commission of South Carolina (“Commission”) by way of the Petition of the Office of Regulatory Staff (“ORS”) to revoke Certificates of Public Convenience and Necessity of certain motor carriers for their failure to maintain and file evidence of insurance. ORS's Petition was filed with the Commission on December 2, 2008. As set forth in S.C. Code Ann. §58-23-910 (Supp. 2008) and 26 S.C. Code Ann. Regs. 103-171 (Supp. 2008), the Commission requires motor carriers certificated in the State of South Carolina to procure and file with the Commission proper proof of insurance and that insurance must be kept in full force and effect. The “failure to do so is cause for the revocation of the certificate.” S.C. Code Ann. §58-23-910 (Supp. 2008). The ORS developed a list of the motor carriers operating in violation of the Commission's Rules and Regulations and/or the Motor Vehicle Carrier Law with respect to the failure to file proper evidence of insurance and such list was attached as Exhibit A to ORS's Petition. A revised list of those carriers who remained in non-compliance was submitted into evidence by the ORS at the hearing on February 11, 2009.

The Commission's Docketing Department issued a Notice of Hearing setting this matter for hearing on February 11, 2009 at 2:45 p.m. A formal hearing was indeed held at the Commission offices on Wednesday, February 11, 2009, at 2:45 p.m. The ORS was represented by Jeffrey M. Nelson, Esquire. Ms. Carole Chauvin, the Records Custodian of ORS's Transportation Department, testified on behalf of the ORS.

At the hearing, Ms. Chauvin presented testimony that certain companies certificated by the Commission to provide motor carrier services have failed to file or maintain evidence of insurance as of November 21, 2008 as required by S.C. Code Ann. §58-23-910 (Supp. 2008). Further, Ms. Chauvin testified that since that date, additional companies have come into compliance with the Commission's rules and regulations or have already had their certificates revoked by the Commission for other reasons. At the hearing, ORS submitted a Revised Exhibit A listing those carriers currently certificated by the Commission which remained out of compliance. Additionally, the ORS stated in its Petition, and Ms. Chauvin testified, that the ORS notified the carriers, via both mail and personal or telephonic contact, by ORS' Transportation Inspectors, of their failure to file the required proof of insurance.

The Commission finds that the Certificates of Public Convenience and Necessity held by the carriers which are the subject of this petition (attached as an Appendix to this Order, labeled "Revised Exhibit A") should be revoked and cancelled for their continued willful violation of the Commission's Rules and Regulations and/or the South Carolina Vehicle Carrier Law.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

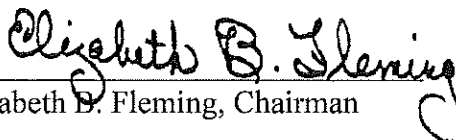
1. That the Certificates of Public Convenience and Necessity held by those motor vehicle carriers listed in the Appendix attached hereto be, and hereby are, revoked and cancelled.

2. That all operating rights authorized under the Certificates held by the carriers listed in the attached Appendix and cancelled by this Order are null and void.


3. That this petition be, and hereby is, dismissed with respect to all carriers who have complied with the Commission's Rules and Regulations and/or the Motor Vehicle Carrier Law.

4. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Elizabeth B. Fleming, Chairman

ATTEST:


John F. Howard, Vice Chairman
(SEAL)

February 25, 2009

Revised Exhibit A - Carriers out of Compliance

[illegible]